



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

SEP 27 2005

Ref: 8ENF-W

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7791 5794

Natrona County Commissioners
c/o Drew Perkins, Chair
POB 863
Casper, WY 82602

Re: Notice of Safe Drinking Water Act
Enforcement Action against
Broken Wrench LLC, PWS ID #5600074

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Broken Wrench, LLC, Casper, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The water system is in violation of 40 C.F.R. §§ 141.132(b), 141.23(c)(1), 141.134, 141.21(b), 141.21(b)(5), 141.201, 141.31(b), and 141.21(g)(2) for failing to: adequately monitor for disinfection byproducts; monitor for inorganic contaminants; timely submit chlorine residual monitoring reports to EPA; failure to adequately monitor for bacteriological quality; provide public notice and report SDWA violations to EPA.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County



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Commission. If you have any questions regarding this Order, please contact Kathelene Brainich at (303) 312-6481.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-W

SEP 27 2005

CERTIFIED MAIL

RETURN RECEIPT REQUESTED 7003 2260 0001 7791 5251

John Thompson, Registered Agent
Broken Wrench, LLC
1510 Garden Creek Road
Casper, WY 82601

Re: Administrative Order
Docket No. **SDWA-08-2005-0062**
PWS ID #5600074

Dear Mr. Thompson:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Broken Wrench LLC ("LLC") is a supplier of water as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.132(b), 141.23(c)(1), 141.134, 141.21(b), 141.21(b)(5), 141.201, 141.31(b), and 141.21(g)(2) for failing to: adequately monitor for disinfection byproducts; monitor for inorganic contaminants; timely submit chlorine residual monitoring reports to EPA; failure to adequately monitor for bacteriological quality; provide public notice and report SDWA violations to EPA. The bacteriological quality violations occurred two years ago and the system has monitored adequately since that time, with the exception of late reporting of results in February and March 2004.

If the LLC complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering the LLC to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on



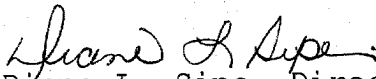
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regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that any business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-W, or call (800) 227-8917, extension 6481 or (303) 312-6481. If you wish to have an informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney, please ask your attorney to direct any legal questions to Amy Swanson, Enforcement Attorney, at the above 800 number, extension 6906, or at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,


Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
SBREFA

cc: WY DEQ (via email)
WY DOH (via email)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2005 SEP 27 AM 8:58

IN THE MATTER OF)
)
Broken Wrench Limited Liability)
Company)
Casper, Wyoming)
)
Respondent)
)
Proceedings under Section 1414(g))
of the Safe Drinking Water Act,)
42 U.S.C. § 300g-3(g))
)

ADMINISTRATIVE ORDER

FILED
EPA REGION VIII
HEARING CLERK

Docket No. **SDWA-08-2005-0062**

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Broken Wrench Limited Liability Company (Respondent) is a corporation under the laws of the State of Wyoming as of January 16, 1996 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Broken Wrench Water System (the "System"), located in Natrona County, Wyoming, for the provision to the public of piped water for human consumption.
3. The Broken Wrench Water System regularly serves an average of at least 25 individuals daily at least 60

days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.
5. According to a June 17, 2003 sanitary survey by an agent for EPA, the System is supplied by a groundwater source consisting of two springs with weekly disinfection. The System serves approximately 50 persons through 14 service connections and is open all year.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.132(b) requires public water systems served only by a groundwater source providing water to less than 10,000 persons and using chemical disinfectant to collect one water sample per year per treatment plant to determine compliance with the

maximum contaminant level (MCL) for disinfection byproducts as stated in 40 C.F.R. § 141.64.

2. Respondent failed to adequately monitor for disinfection byproducts during 2004, in violation of 40 C.F.R. § 141.132(b). Samples taken December 23, 2004 were invalid as they were taken at the entrance to the distribution system rather than in the distribution system and were not taken during the warmest water month.

II.

1. 40 C.F.R. § 141.23(c)(1) requires community and non-transient, non-community water systems utilizing groundwater sources to monitor the water once in each 3 year compliance period to determine compliance with the MCL for inorganic contaminants as stated in 40 C.F.R. § 141.62.
2. Respondent failed to monitor the water for inorganic contaminants in the 3 year compliance period 2002-2004, in violation of 40 C.F.R. § 141.23(c)(1).

III.

1. 40 C.F.R. § 141.132(c) requires community and non-transient non-community water systems that use chlorine to measure the residual disinfection level in the

distribution system at the same point and at the same time as total coliforms are sampled.

2. 40 C.F.R. § 141.134 requires public water systems that sample quarterly or more frequently to report the results of required analyses to EPA within ten days after the end of each quarter in which samples were collected.
3. Respondent failed to submit January, February and March 2005 chlorine residual monitoring reports within ten days after the end of the quarter (results were received May 11, 2005), in violation of 40 C.F.R. § 141.134.

IV.

1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of repeat samples within 24 hours of being notified of a total coliform positive routine sample.
2. Respondent failed to collect a set of repeat samples within 24 hours after a total coliform positive routine sample in August 2003, in violation of 40 C.F.R. § 141.21(b). Respondent collected one repeat sample on August 20, 2003 and three repeat samples on September 3, 2003.

V.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in September 2003 after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

VI.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulations (NPDWR) violations, including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 part 141.
2. Respondent has not provided public notice of the 2003 bacteriological noncompliance detailed in the preceding Sections IV and V, in violation of 40 C.F.R. § 141.201. Public notice is not yet past due on the other violations.

VII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections I, II, III and VI, in violation of 40 C.F.R. § 141.31(b).

VII.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to the EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Sections IV and V, in violation of 40 C.F.R. § 141.21(g)(2).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 30 days of the effective date of this Order, and per the regulation thereafter, Respondent shall comply with monitoring requirements for disinfection byproducts, as stated in 40 C.F.R. § 141.132(b).

Respondent shall collect one sample per year per treatment plant at a location that represents maximum residence time to be analyzed for total trihalomethanes (TTHM) and haloacetic acids (HAA5) to determine compliance with the disinfection byproducts as stated in 40 C.F.R. § 141.64(a). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. § 141.134.

2. Within 30 days of the date of this Order, and per the regulation thereafter, Respondent shall comply with the inorganic chemicals monitoring requirements as stated in 40 C.F.R. § 141.23(c) to determine compliance with the inorganic MCL appearing at 40 C.F.R. § 141.62. Respondent shall report analytical results to EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).
3. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.134 by reporting chlorine residual monitoring results to EPA within ten days after the end of each quarter in which samples were collected.

4. Upon the effective date of this Order, Respondent shall comply with all total coliform repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than 4 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within 5 service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
5. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine

samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

6. Within 30 days of the effective date of this Order, Respondent shall provide a notice to the public of the 2003 violations specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the System; AND (2) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice, such as publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others; posting in public places or on the internet; or delivery to community organizations. The System must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other

situation persists, but in no case less than seven days. Upon the effective date of this Order, Respondent shall comply with the public notice requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
8. Except where a different reporting period is specified in paragraph 7 above, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
9. Reporting requirements specified in this Order shall be provided by certified mail to:

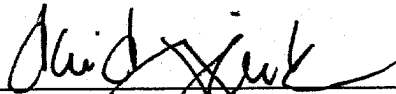
U.S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, CO 80202-2466

GENERAL PROVISIONS

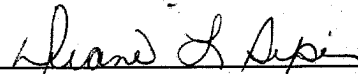
1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. § 300g-3(g)(3)(A) and (C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 27th day of September, 2005.



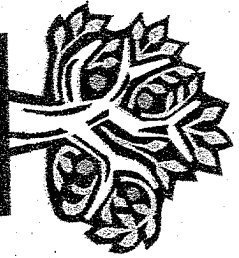
Michael T. Risher, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



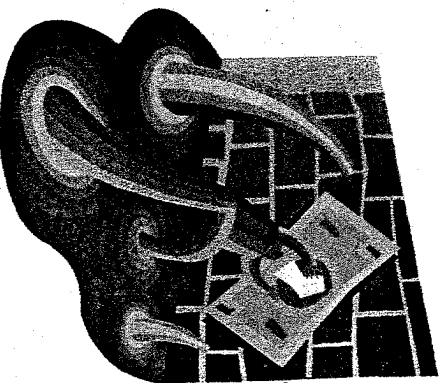
Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

WYOMING
WATER/WASTEWATER
TASK FORCE

Governor Jim Geringer established the Wyoming Water/Wastewater Task Force in 2001 as an interagency effort to reduce the likelihood of waterborne disease outbreaks in Wyoming. Government agencies represented on the Task Force include the Wyoming Department of Agriculture, Wyoming Department of Health, Wyoming Department of Environmental Quality, several county health departments, and the U.S. Environmental Protection Agency.



FUNDING OPTIONS
FOR
PRIVATELY-OWNED
PUBLIC WATER
SYSTEMS IN
WYOMING



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for BROKEN WRENCH

Our water system had violated several drinking water standards. Even though these were not emergencies, as our customers, you have a right to know what happened and what we did to correct these situations.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During 2003-2004 we did not adequately complete all monitoring or testing for disinfection byproducts, inorganic contaminants, and bacteriological quality and therefore cannot be sure of the quality of our drinking water during that time. We also submitted chlorine residual monitoring reports late.

What should I do? There is nothing you need to do at this time.

The table below lists the contaminants we did not properly test for, how often we are supposed to sample for these contaminants and how many samples we are supposed to take, how many we took, when samples should have been taken, and the date when the situation was corrected.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken
bacteriological-repeat	four samples after TC+ sample within 24 hours	4 (late)	August 23, 2003	8/29/03 & 9/3/03
bacteriological-additional routine	five samples month after a TC+ sample	1	September 2003	one of five taken September 2003
inorganics	triannual	0	2002-2004	need to sample
disinfection byproducts	annual	1	2004 - warm months	December 2004 not in correct location-need to resample

What happened? What is being done? Past due sampling is being conducted. For more information, please contact John Thompson at 307/234-5672.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (visitors for example). You can do this by posting this notice in a public place or distributing copies by hand or mail. Note: send copy to EPA after public notice is complete with the date distributed and signature.

Instructions for Monitoring Violations Annual Notice--Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, e-mail, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).



U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: <http://www.epa.gov/clearinghouse>

Pollution Prevention Clearinghouse
<http://www.epa.gov/opptintr/library/ppicindex.htm>

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs:
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone and Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
<http://www.epa.gov>

Small Business Assistance Program
<http://www.epa.gov/ttn/sbap>

Office of Enforcement and Compliance Assurance
<http://www.epa.gov/compliance>

Compliance Assistance Home Page
<http://www.epa.gov/compliance/assistance>

Office of Regulatory Enforcement
<http://www.epa.gov/compliance/civil/index.html>

Office of Site Remediation Enforcement
<http://www.epa.gov/compliance/cleanup>

Innovative Programs for Environmental Performance
<http://www.epa.gov/partners>

Small Business Ombudsman
www.sba.gov/ombudsman

